



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JULY 24, 2003**

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Commissioners Weaver, Wieckowski, Harrison, Thomas, Sharma

ABSENT: Natarajan

STAFF PRESENT: Dan Marks, Planning Director
Jeff Schwob, Deputy Planning Director
Larissa Seto, Senior Deputy City Attorney
Matt Foss, Assistant Planner
Andrew Russell, Associate Civil Engineer
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Mark Eads, Video Technician

APPROVAL OF MINUTES: Regular Minutes of December 12, 2002.
Regular Minutes of February 27, March 27, May 8 and June 26, 2003, approved as submitted.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 2, 4, 6, 7, 8, 9, 12, 13 AND 14.

IT WAS MOVED (HARRISON/THOMAS) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1, 2, 4, 6, 7, 8, 9, 12, 13 AND 14.

Item 1. HARSHAD PATEL – 45670 Montclair Terrace – (PLN2001-00100) – to consider a Planned District Minor Amendment for site plan and architectural approval of a new 6,492 square foot single-family dwelling located in the Mission San Jose Planning Area. This project is categorically exempt from environmental review per CEQA section 15303, New Construction.

CONTINUE TO AUGUST 28, 2003.

Item 2. HA TO VALERO REMODEL – 37631 Blacow Road – (PLN2002-00306) – to consider a Conditional Use Permit Amendment for a remodel of an existing gasoline service station to include a car wash, two new fueling dispensers and replacement of existing four, expansion of the fueling station canopy, and the removal of an auto repair shop to increase the size of an existing convenience food mart. A Mitigated Negative Declaration has been prepared for this project.

Planning Director Marks noted minor modifications and additional conditions that were part of the negative declaration but were not included in the report.

Commissioner Harrison asked if the applicant was aware of the changes.

Planning Director Marks stated that the applicant had seen them in the negative declaration.

Commissioner Sharma asked if the car wash noise reduction condition had been included.

Planning Director Marks confirmed that noise reduction was part of the conditions.

Chairperson Cohen opined that the building design was barely acceptable. He would have preferred something better.

HOLD PUBLIC HEARING;

AND

FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

ADOPT DRAFT MITIGATED NEGATIVE DECLARATION AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT;

AND

FIND PLN2002-00306 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND ECONOMY CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT. THE PROJECT REFLECTS THE INTENT OF THE CENTERVILLE SPECIFIC PLAN;

AND

APPROVE PLN2003-00306, AS SHOWN ON EXHIBIT "A" AND SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

- Item 4. TAN RESIDENCE - 44611 Highland Place - (PLN2003-00199)** - to consider a Planned District Minor Amendment for the construction of a new 6,195 square foot single-family dwelling located in the Mission Planning Area. This project is categorically exempt from environmental review per CEQA section 15303, New Construction.

HOLD PUBLIC HEARING;

AND

FIND PLN2003-00199 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THE PROJECT CONFORMS TO THE GOALS AND OBJECTIVES OF THE MISSION SAN JOSE PLANNING AREA;

AND

APPROVE PLN2003-00199, AS SHOWN ON EXHIBIT "A", SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B".

- Item 6. BRACKETT SUBDIVISION – 3686 Lowry Road – (PLN2003-00207)** - to consider a Planned unit development and Tentative Parcel Map for a two-lot single-family residential subdivision (with one existing dwelling and one new unit) on a 0.33-acre lot located in the Northern Plain Planning area. This project is categorically exempt from CEQA review per Section 15332, In-Fill Development Projects.

Planning Director Marks stated that certain requirements went along with the recently issued seismic hazard map by the State. In the future, additional conditions, as in this project, would be added to discretionary projects. State law now required that seismic review be performed prior to discretionary approval.

HOLD PUBLIC HEARING;

AND

FIND THE PROJECT CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15332, IN-FILL DEVELOPMENT PROJECT;

AND

FIND PUD2003-01 AND TENTATIVE TRACT MAP 8217 ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

FIND PUD-2003-01 (AS SHOWN ON EXHIBIT "A"), AND TENTATIVE TRACT MAP 8217 (AS SHOWN ON EXHIBIT "B"); FULFILL THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

APPROVE PUD-2003-01 IN CONFORMANCE WITH EXHIBIT "A" AND EXHIBIT "D", BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "E";

AND

APPROVE TENTATIVE TRACT MAP 8217 IN CONFORMANCE WITH EXHIBIT "B", BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "F".

- Item 7. ST. ANNE'S CHURCH – 2791 Driscoll Road – (PLN2003-00232)** - to consider a Conditional Use Permit to allow the construction of a new 4,395 square foot church building and expansion of an existing church facility, and to allow childcare/nursery services within existing structures in the Mission San Jose Planning Area. This project is categorically exempt from CEQA review per Section 15332, In-Fill Development Projects.

Planning Director Marks noted that two minor landscaping conditions had been added.

HOLD PUBLIC HEARING;

AND

FIND PLN2003-00232 CATEGORICALLY EXEMPT FROM CEQA REVIEW PER SECTION 15332, IN-FILL DEVELOPMENT PROJECTS;

AND

FIND PLN2003-00232 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVE PLN2003-00232, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

- Item 8. FREMONT PARENTS NURSERY SCHOOL – IRVINGTON – 4600 Carol Avenue – (PLN2003-00274)** – to consider a conditional use permit for a child day care center on grounds of Irvington High School located in the Irvington Planning Area. This project is categorically exempt from CEQA review per Section 15332, In-Fill Development Projects.

HOLD PUBLIC HEARING;

AND

FIND PLN2003-00274 IS CATEGORICALLY EXEMPT UNDER CEQA PER SECTION 15301, EXISTING FACILITIES;

AND

FIND PLN2003-00274 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;

AND
APPROVE PLN2003-00274, AS SHOWN ON PLN2003-00274 EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT "B".

- Item 9. FREMONT PARENTS NURSERY SCHOOL – OLIVEIRA – 4200 Alder Avenue – (PLN2003-00275)** – to consider a conditional use permit for a child day care center on grounds of Oliveira Elementary School located in the Centerville Planning Area. This project is categorically exempt from CEQA review per Section 15332, In-Fill Development Projects.

HOLD PUBLIC HEARING;

AND
FIND PLN2003-00275 IS CATEGORICALLY EXEMPT UNDER CEQA PER SECTION 15301, EXISTING FACILITIES;

AND
FIND PLN2003-00275 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;

AND
APPROVE PLN2003-00275, AS SHOWN ON PLN2003-00275 EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT "B".

- Item 12. PACIFIC COMMONS - Auto Mall Parkway – (PLN2003-00298)** - to consider a Vesting Tentative Tract Map 7458 and a Preliminary Grading Plan to implement the Planned District Major Amendment (PLN2003-00166) modifying the approved land use and circulation plans for a portion of the Development known as Pacific Commons (P-2000-214) in the Industrial Planning Area. An Addendum to the Supplemental Environmental Impact Report (SEIR) for Pacific Commons Project Catellus Development Corporation SEIR PLN2000-214 has been prepared.

CONTINUE TO AUGUST 28, 2003.

- Item 13. ZION CHURCH OF PRAISE – 39600 Sundale Drive – (PLN2003-0318)** – to consider a Preliminary Grading Plan for the previously approved Planned District (P-2003-0154) in the Irvington Planning Area. This project complies with the previously approved Mitigated Negative Declaration.

HOLD PUBLIC HEARING;

AND
APPROVE FOR PLN2003-00318 PRELIMINARY GRADING PLAN AS SHOWN ON EXHIBIT "A" AND BASED ON FINDINGS AND SUBJECT TO CONDITIONS IDENTIFIED IN EXHIBIT "B".

- Item 14. ZTA HARB REVIEW OF SIGNS – Citywide – (PLN 2000-00131)** – to recommend to the City Council a referral from the Historical Architectural Review Board for a Zoning Text Amendment to Title VIII (Planning and Zoning) Chapter 2 (Planning) Article 19.1 Historical Architectural Review Board, of the Fremont Municipal Code, to extend to staff rather than HARB review of signs in areas with adopted sign design guidelines. The Zoning Text Amendment is exempt from CEQA review per Section 15061(b)(3) because the project has no potential for causing a significant effect on the environment.

HOLD PUBLIC HEARING;

AND
FIND PLN 2000-00131 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S

**LAND USE CHAPTERS. THE PROJECT CONFORMS TO THE GOALS AND OBJECTIVES OF THE HISTORIC COMMERCIAL DISTRICTS;
AND
RECOMMEND THE CITY COUNCIL INTRODUCE AN ORDINANCE FOR A ZONING TEXT AMENDMENT (PLN 2000-00131) IN CONFORMANCE WITH EXHIBIT "A".**

The motion carried by the following vote:

AYES: 6 – Cohen, Harrison, Sharma, Thomas, Weaver, Wieckowski
NOES: 0
ABSTAIN: 0
ABSENT: 1 - Natarajan
RECUSE: 0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 3. PALM AVENUE 5-LOT PLANNED DISTRICT – 42052 Palm Avenue – (PLN2002-00336)** - to consider a Preliminary and Precise Planned District rezoning for a five lot single family development on 1.61 acres located in the Mission San Jose Planning Area. The proposed project includes the retention of the existing single-family house and the construction of four new single-family houses, as well as associated site work including creek bank restoration and construction of a public path. A Mitigated Negative Declaration has been prepared for this project.

Planning Director Marks stated that this item would have to be pulled from consent if the Commission wished to discuss the issues brought up in a letter that had recently been received and was before the Commissioners. He stated that the letter writer was not present.

Chairperson Cohen opened the public hearing.

Commissioner Thomas stated that she had asked that this item be pulled from consent, because she had noticed the problems in her area that were caused by people who had to back directly onto a busy street and which was planned for two of the lots in this project as noted by the letter writer. The curve in the street only made the problem more hazardous.

Mark Robson, Santa Clara Development Company, stated that a lot of time had been spent with staff on this issue. There was an original driveway on the property and there were others across the street that forced a vehicle to back onto Palm Avenue. One other similar driveway in the project would be constructed with the others constructed to allow vehicles to head out of the driveways. He believed that the plan would work.

Commissioner Thomas asked if the house closest to the creek could be flipped to put the driveway further away from the curve.

Mr. Robson replied that flipping that house was looked at early on; however, the backyard would be reduced and putting the two driveways close together would create a different kind of traffic problem.

Commissioner Thomas asked if a shared driveway might be possible.

Associate Civil Engineer Russell agreed that a shared driveway could be possible.

Planning Director Marks expressed concern that a shared driveway would impinge on the individual character of the historic house that was to be kept as part of the project, which would, in turn, change the character of the site.

Commissioner Wieckowski agreed with the letter writer's points and asked if there was some way to extend the two driveways to allow a vehicle to turn around and head out of the driveway.

Mr. Robson expected that so few trips would be generated from these particular driveways that the safety hazard would be negligible. Vehicles traveling along Palm Avenue were used to watching out for vehicles backing out of similar driveways along the street and eliminating driveways would allow people to speed. Staff had spoken with the letter writer and had suggested a stop sign could be installed, if deemed necessary at a future date.

Commissioner Thomas asked if the garage could open to the side with a hammerhead created to allow backing out of the garage then heading out of the driveway.

Mr. Robson stated that her suggestion had been considered. However, the driveway would be moved closer to the curve and the line of site would not be as good. A turnout to the left side of the garage was another alternative.

Commissioner Wieckowski asked if the eucalyptus trees would be removed near Palm Avenue.

Mr. Robson replied that the trees close to Palm Avenue would be thinned out and pruned. A lot of time had been spent on this project and it had been scrutinized from all angles; the historic home would be retained and improved; and very strong architecture would be provided. He would prefer a future stop sign rather than adding hardscape for a turnout at the side of the driveway.

Chairperson Cohen closed the public hearing.

Commissioner Wieckowski asked how the Commission would handle recommending a stop sign.

Planning Director Marks replied that stop signs had to meet a need before they could be installed. As the applicant suggested, should a need be seen in the future, a stop sign could be considered. Staff agreed with the applicant that it was not an immediate issue.

Commissioner Sharma agreed that a turnaround would be a good addition to the safety of the project. He believed that stop signs were usually installed after someone was hurt and a safety hazard was obvious. The issue of the stop sign should be discussed before something like that happened.

Chairperson Cohen believed that the applicant was the best developer in the City. He noted that a historic resource was being preserved within this high-quality project, and he was satisfied that the project was appropriate at this time.

Commissioner Thomas agreed this was a wonderful project for all the reasons mentioned. However, she would not support it, because she felt that it needed a turnaround. She did not believe a future stop sign would make backing onto Palm Avenue from this project any safer.

Commissioner Sharma asked for expert opinion concerning the safety issue.

Associate Civil Engineer Russell replied that seven other homes, within 200 feet of the project on Palm Avenue, had driveways that forced vehicles to back onto the street. Much of

Palm Avenue was signed for no parking between 8:00 a.m. and 3:00 p.m. because of its proximity to the high school. This prevented vehicles from parking next to driveways and allowed traffic to see vehicles backing out of their driveways. A two-year traffic study performed between January 1999 and December 2000 for the mile length of Palm Avenue showed that five accidents were recorded along this stretch of road. He agreed that when driveways on a residential collector street were reduced, traffic continued to speed. During school hours, the speed limit was 25 miles per hour with 30 miles per hour being the limit at other times.

Commissioner Sharma stated that if the experts believed this driveway would not be a safety hazard, he would support the project.

IT WAS MOVED (WEAVER/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (5-1-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL APPROVE THE DRAFT MITIGATED NEGATIVE DECLARATION AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT;

AND

FIND PLN2002-00336 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE, HOUSING, AND TRANSPORTATION CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

RECOMMEND PLN2002-00336 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (REZONING EXHIBIT).

The motion carried by the following vote:

AYES:	5 – Cohen, Harrison, Sharma, Weaver, Wieckowski
NOES:	1 – Thomas
ABSTAIN:	0
ABSENT:	1 – Natarajan
RECUSE:	0

- Item 5. DENSITY BONUS ORDINANCE – Citywide – (PLN2003-00283)** – to consider a Zoning Text Amendment to revise the City's Density Bonus Ordinance to include density bonus procedures and provisions that reflect current State Density Bonus law requirements. A Negative Declaration has been prepared for this project.

Deputy Planning Manager Schwob stated that this amendment would make the City's ordinance consistent with State Density Bonus law. The Housing Element called for the adoption of a new ordinance, along with an incentives package and would facilitate affordable housing development. He reviewed the various sections of the Ordinance, which used definitions derived from State law. Projects that qualified would have to have a prescribed level of affordability and commitment from the developer or 50 percent of the units would have to be set aside for senior citizen housing. Condominium projects meeting specific affordability levels could now be considered. A minimum density bonus would be 25 percent on top of what the City's General Plan and zoning allowed for a site. The General Plan or zoning would not have to be changed to grant a density bonus. Concurrent construction of the affordable units along with the market rate units would be required. The minimum affordability restrictions would be 30 years and at least ten years for condominium projects. Affordable units must be dispersed throughout the project and the sizes must be generally equivalent. The applicant could request an incentive or concession or the applicant could seek a waiver or modification of development zoning standards. An applicant could ask for a preliminary review in advance of a project.

Commissioner Harrison asked if this ordinance had anything to do with second units.

Deputy Planning Manager Schwob stated that second units did not count towards the density calculation under State law.

Commissioner Wieckowski asked about the additional incentives and noted that staff recommended the first option. He was inclined to approve the second option that would allow a developer to have a second (and possibly a third) incentive if 20 percent of the project was packaged for low income along with ten percent very low income. What would be the disadvantage of allowing it, as law?

Deputy Planning Manager Schwob stated that the City had little experience with implementing density bonuses. The R-3 ordinance provided for a set of given incentives for affordable housing projects, of which he expected most affordable projects to be within that zone. An additional density bonus could be requested as the applicant's incentive. The idea was to test the incentives, through Option 1, for a year or two to be certain this was what would work within the City. Additional incentives could be granted, they just would not be automatically granted.

Commissioner Sharma also liked Option 2, because the incentives were spelled out and the applicant did not have to ask for them. He noted an error on page 6, Section 8-22184(a), third line, "unless City makes it unless City makes it" and suggested one phrase be deleted.

Commissioner Harrison asked for an explanation of the difference between the two options. He asked if there was an advantage to making the time longer for affordable units.

Deputy Planning Manager Schwob replied that Option 1 required that the density bonus and incentive be given and with Option 2 an additional density bonus and an extra incentive would have to be given unless findings were made that there was a public health safety issue. Option 1 provided more flexibility for the City, which coincided with State law. However, if, for example, the Redevelopment Agency provided funding, the term of affordability could be extended.

Chairperson Cohen opened and closed the public hearing. (There were no speakers.)

Commissioner Wieckowski gave his reasons for preferring Option 2, which included some mechanism that might trigger additional low- and very low-income housing that was desirable in a multifaceted community. Were there other mechanisms that might spur the development of this kind of housing for Fremont residents?

Deputy Planning Manager Schwob replied that various sites were in the process of being rezoned to higher densities. There would be sites that will start at a higher density than had been seen before. Not many density bonus requests had been received by the City, and he questioned if it was necessary. If density was needed for affordable projects, the City had generally accommodated them, which resulted with some excellent affordable housing projects being completed.

Planning Director Marks added that a density bonus usually did not make or break a project. Current City densities were much higher than had been historically and projects were coming in to the City at higher densities than previously proposed. The worry was that high density projects could be out of scale within the neighborhoods, and Option 1 would allow the City to explore how that played out "before we start giving density bonus on top of density bonus," which was what Option 2 would do.

Commissioner Harrison would support either option, but preferred Option 1, which would allow the City to “walk into the water” rather than walking into the deep end and falling off.

Chairperson Cohen agreed with Commissioner Harrison.

Commissioner Sharma stated that after hearing the reasons for staff recommending Option 1, he would support it.

Commissioner Wieckowski asked for a review in two years.

Deputy Planning Manager Schwob suggested that it could be a part of the annual review of the housing element that had to be done every year.

IT WAS MOVED (THOMAS/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THE CITY COUNCIL APPROVE DRAFT NEGATIVE DECLARATION WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT;

AND

FIND PLN2003-00283, A ZONING TEXT AMENDMENT, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS, AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF ZONING TEXT AMENDMENT (PLN2003-00283) BECAUSE THE NEW ORDINANCE IMPLEMENTS STATE LAW AND THE CITY GENERAL PLAN, AS SHOWN IN EXHIBIT “A”;

AND

RECOMMEND ZONING TEXT AMENDMENT (PLN2003-00283) TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT “A” [OPTION 1];

AND

RECOMMEND EVALUATING THE EFFECT OF OPTION 1 IN ONE YEAR.

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 - Natarajan
RECUSE:	0

- Item 10. WARM SPRINGS PD MINOR AND GRADING – 49055 Warm Springs Boulevard – (PLN2003-00279)** – to consider a Planned District Minor Amendment to modify the location and type of paving provided and to consider a Preliminary Grading Plan to allow the stockpile of material for onsite construction purposes for the previously approved 194-unit Warm Springs Planned District (P-2002-76) in the Warm Springs Planning Area. This project complies with the previously approved Mitigated Negative Declaration.

Planning Director Marks stated that staff disagreed with the applicant about the material to be used for the Emergency Vehicle Access (EVA) at the central activity area.

Assistant Planner Foss added that the applicant had proposed asphalt, and staff wanted direction as to whether asphalt was appropriate or if the applicant should use the originally approved colored concrete. Three issues were brought up:

- Durability
- Aesthetics – concrete was generally a more aesthetic pleasing product, but it was offset by the applicant's financial responsibility and the overall allocation of paving.
- Use as an alternative play area, which was tied into the durability

Associate Civil Engineer Russell noted that asphalt was not used in the City's parks, because of its higher maintenance. The life period for asphalt was much less than Portland cement concrete pavement, which was a much denser material. Asphalt lasted longer when vehicles were using it, and the EVA was not expected to be used very much by vehicles.

Commissioner Thomas asked why grass block could not be used, which would allow for a drivable surface.

Assistant Planner Foss replied that fire department felt that the EVA must be an all-weather surface, which had been defined as asphalt or concrete.

Chairperson Cohen opened the public hearing.

Mark Robson, Santa Clara Development Company, stated that originally staff debated whether a street should go through that side of the park. The final decision was that the road would not go through and his company had proposed Grasscrete. The colored concrete was proposed in error. It was decided to take the money that would have been spent on colored concrete for the EVA at the back of the project and use it for pavers at the entrance of the project and for crossings along the entire street in front of the project, which would be enjoyed by more people. The association would take care of the asphalt, and it would be bordered by concrete, which would take care of the durability aspect.

Commissioner Thomas asked how wide would the EVA be.

Mr. Robson replied that it would be 16 feet curb-to-curb.

Commissioner Sharma asked the difference in price, the percent of the total. Would the homeowners reserve budget have to be larger to accommodate the asphalt upkeep?

Mr. Robson stated using concrete rather than asphalt for the EVA would cost 30 thousand dollars more. However, additional funds would be expended for pavers at the front of the project rather than stamped concrete, which would have a larger beneficial impact for the City. He agreed that maintenance for concrete was much lower and cost less than asphalt. For a project this size, the expense to the homeowners would be a "few quarters or dimes a month."

Commissioner Thomas knew that there were different kinds of asphalt, such as rubberized asphalt, and asked what the quality of the surface would be and if it would be more appropriate as a play surface than concrete would be.

Mr. Robson stated that the rubberized asphalt was used usually on streets, but here the asphalt would be the same as that used on the project's streets and would not be rubberized. He offered to use a thicker layer of asphalt on the EVA, which would add to the durability. Asphalt also was easier to play on.

Commissioner Wieckowski asked how long this EVA would be.

Mr. Robson guessed that it would be approximately 300 feet.

Commissioner Wieckowski noted that it would be the length of a football field and 16 feet wide. He asked if the Commission could make a finding that disagreed with the fire department's wishes. It was inconceivable that the fire department vehicles could not traverse 300 feet on a non-concrete/asphalt surface.

Planning Director Marks stated that he would be resistant to that request. The fire department made the safety issue calls.

Associate Civil Engineer Russell suggested that grass paved surfaces would be more expensive than the two alternatives under discussion, and that the applicant should be asked his preference.

Commissioner Wieckowski questioned the safety issue. He knew that the open fields at the ecology center were required by the fire department to be disked every year, when data showed that close mowing provided the same protection.

Planning Director Marks stated that there was only one road in and out, and the EVA would be needed if that road was not available due to an accident. He offered to bring in the Fire Department to discuss this requirement, but indicated that this would delay action on the project.

Commissioner Thomas asked if grass block was more expensive. If Grasscrete was not possible, asphalt was a safer surface for children to play on.

Mr. Robson was not sure about the cost and stated that Grasscrete would be used at the northwest corner for flood control. He agreed that the fire department had been adamant about this issue. He asked that a decision be made between asphalt or concrete and not continue this item to discuss Grasscrete with the fire department.

Chairperson Cohen closed the public hearing and stated that he agreed with Commissioner Thomas about the asphalt.

Commissioner Sharma would approve asphalt. Maintenance for Grasscrete was expensive compared to asphalt or concrete surfaces.

Commissioner Harrison preferred to see the money put into the visible gateway areas.

IT WAS MOVED (THOMAS/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND PLN2003-00279 IS CONSISTENT WITH AND COMPLIES WITH ALL PORTIONS OF THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION (PLN2002-00076);

AND

FIND PLN2003-00279 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

FIND PLN2003-00279 FULFILLS THE INTENT OF THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND
INDICATE WHETHER THE EMERGENCY VEHICLE ACCESSWAY (EVA) SHOULD BE A THICK LAYER OF ASPHALT;

AND
APPROVE PLN2003-00279, AS SHOWN ON EXHIBIT “K” AND EXHIBIT “L”, SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT “M” AND EXHIBIT “N”.

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 - Natarajan
RECUSE:	0

Planning Director Marks announced that Planner Foss was leaving his position to continue his education at MIT with the goal of eventually becoming a developer. He had done great work over the two years he had been with the City and was a rising star in the planning field.

Vice Chairperson Weaver stated that Planner Foss had been a wonderful asset to the City and his work would live on for many years.

The rest of the Commission echoed the comments made and wished Planner Foss good luck.

Chairperson Cohen called for a 10-minute recess at 8:25 p.m.

Chairperson Cohen called the meeting back to order at 8:35 p.m.

Item 11. SPRINT AT CINDY STREET – 39009 Cindy Street – (PLN2003-00290) – to consider a Conditional Use Permit for a wireless telecommunications system facility consisting of a monopole (extended light pole) 50 feet high in the parking lot of an existing religious facility (Central Church of the Nazarene) located in the Irvington Planning Area. This project is categorically exempt from CEQA review per Section 15303, New Construction or Conversion of Small Structures.

Chairperson Cohen opened the public hearing.

Commissioner Sharma stated that he had asked that this item be removed from consent, because he had some ideas that he wanted to explore. He asked that the equipment structure be built with a stucco wall and a curved roof, which would blend in with other structures in the neighborhood.

Dennis Martin, applicant representative, agreed to his suggestions.

Chairperson Cohen disagreed with the suggestion, but he agreed to support the project.

Chairperson Cohen closed the public hearing.

IT WAS MOVED (SHARMA/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING;**

AND
FIND PLN2003-00290 IS CATEGORICALLY EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;

AND

FIND PLN2003-00290 CONFORMS TO THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE, HOUSING AND HEALTH AND SAFETY CHAPTERS AS ENUMERATED IN THE STAFF REPORT;

AND

ADD CONDITION TO ENSURE THAT THE EQUIPMENT STRUCTURE WILL BE CONSTRUCTED OF STUCCO WITH A ROUNDED ROOF TO BLEND WITH OTHER BUILDINGS IN THE AREA;

AND

APPROVE PLN2003-00290, AS SHOWN ON EXHIBIT "A", BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT "B".

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 - Natarajan
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Information from Commission: Commission members may report on matters of interest.
- Resolution of Appreciation and Commendation for Dan Marks

Chairperson Cohen announced that Planning Director Marks was leaving the City. In his opinion, he was the best City Planner the City had ever had. He felt certain that the public was not aware of the quality and standards held to by the Planning Department as directed by Planning Director Marks. The City had certainly benefited from his expertise and ideas during the years he had been Planning Director.

Vice Chairperson Weaver stated that his legacy with the City was one of which everyone could be very proud. She hoped that he would, eventually, come back to the City.

Commissioner Wieckowski echoed the previous comments. He had enjoyed "visioning" with Planning Director Marks and had appreciated his expertise and guidance that had benefited the City.

Commissioner Harrison thanked Planning Director Marks for the education he had been given during his time on the Commission.

Commissioner Thomas wished Planning Director Marks good luck and best wishes and thanked him for "putting up" with some of the Commissioners' ideas. She noted that she was at the end of her term on the Planning Commission, and she expressed disappointment that he would not be available to her in her new role as "Planning Gadfly."

Commissioner Sharma stated, that, as the newest member of the Commission, he appreciated his meeting with Planning Director Marks and the information he had obtained about his role as part of the Commission. Planning Director Marks had cared about the City and had been willing to stand up for the best for the City.

Chairperson Cohen presented and read the resolution:

“Whereas, Dan Marks has served as Fremont City Planner and Secretary to the City Planning Commission for the past six years,

“Whereas, Mr. Marks has demonstrated adherence to quality, urban design and place making,

“Whereas, Mr. Marks has consistently required that projects brought before the Commission meet the highest standards and that the development community provide Fremont with projects that are exciting and special,

“Whereas, Mr. Marks has served with extraordinary diligence during his tenure consistently offering sound advice and principled recommendations,

“Whereas, Mr. Marks successfully completed his duties in a professional and timely fashion,

“Now, therefore, be it resolved that the City Planning Commission does hereby express its sincere appreciation, recognition, and commendation to Mr. Marks for his years of service to the Commission.

“Be it further resolved that the Planning Commission wishes Mr. Marks well in his future ventures.

Chairperson Cohen added that Planning Director Marks had been able to teach old minds new ideas, which was an amazing feat.

Planning Director Marks thanked the Commissioners for their comments. It was gratifying that the Planning Commission felt that he had made a difference. However, it was a team effort that could not have been done without the Planning Commissioners and other City leaders who cared about the quality of development within the City. It had been an honor and a pleasure to work with a Commission that was very supportive of staff’s efforts on behalf of the betterment of the City.

Meeting adjourned at 8:50 p.m.

SUBMITTED BY:

Alice Malotte
Recording Clerk

APPROVED BY:

Jeff Schwob, Secretary
Planning Commission